



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. LBR 9004-1(b)

HILL WALLACK LLP

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*Attorneys for Carrington Mortgage Services,
LLC as servicer for The Bank of New York
Mellon f/k/a The Bank of New York as trustee
for registered Holders of CWABS, Inc., Asset-
Backed Certificates, Series 2007-BC3*

In Re:

Orville Malcolm and Marcia Malcolm

Debtor.

Order Filed on December 6, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-22832-RG

Chapter: 13

AMENDED ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby **ORDERED**.

DATED: December 6, 2021

A handwritten signature in black ink, appearing to read "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

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Debtor: Orville Malcolm and Marcia Malcolm

Case No: 16-22832-RG

Caption: Order Resolving Creditor's Certification of Default

| | |
|-----------------------------------|---|
| Applicant: | <u>Carrington Mortgage Services, LLC ("Secured Creditor")</u> |
| Applicant's Counsel: | <u>Hill Wallack LLP</u> |
| Debtor's Counsel: | <u>Melinda D. Middlebrooks, Esq.</u> |
| Property Involved ("Collateral"): | <u>1978 Hillside Avenue, Union, NJ 07083</u> |

Relief sought:

- ✓ Motion for relief from the automatic stay (Certification of Debtors' Default)
- Motion to dismiss
- Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor was overdue for three (3) monthly payments, from May 1, 2021 to July 1, 2021 in the amount of \$1,754.38 each, as of the filing of the Certification of Debtors' Default on July 12, 2021.
- The debtor has since become due for two (2) more additional monthly payments from August 1, 2021 to September 1, 2021 in the amount of \$1,754.38.
- Accordingly, Debtors' total arrearages due are \$8,771.90.

2. Debtor must cure all post-petition arrearages, as follows:

- Debtor has made payments to cure the default through and including the September 1, 2021 payment.
- Beginning on October 1, 2021, regular monthly mortgage payments shall continue to be made in the amount \$1,754.38, subject to adjustment on Notice to the parties.

3. Payments to the Secured Creditor shall be made to the following address(es):

Carrington Mortgage Services, LLC
P.O. Box 3730
Anaheim, CA 92806

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Debtor: Orville Malcolm and Marcia Malcolm

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In the event of Default:

If the Debtor fails to maintain any regular monthly payment when due, then the Secured Creditor shall be awarded Stay Relief as to the Collateral by filing, with the Bankruptcy Court, a Certification of Default specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

4. Award of Attorneys' Fees:

- ✓ The Applicant is awarded attorney fees of **\$200.00**. The fees are payable outside the Chapter 13 plan and shall be tendered to the Secured Creditor by the Debtors on or before **December 31, 2021**.

In re:
Orville Malcolm
Marcia Malcolm
Debtors

Case No. 16-22832-RG
Chapter 13

District/off: 0312-2
Date Rcvd: Dec 07, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 09, 2021:

Recip ID **Recipient Name and Address**
db/jdb + Orville Malcolm, Marcia Malcolm, 1978 Hillside Avenue, Union, NJ 07083-4408

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 09, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 7, 2021 at the address(es) listed below:

| Name | Email Address |
|---------------------------|--|
| Angela Catherine Pattison | on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC3 apattison@hillwallack.com, hwbknj@hillwallack.com |
| Angela Nascondiglio Stein | on behalf of Debtor Orville Malcolm nascondiglio@middlebrookssapiro.com |
| Angela Nascondiglio Stein | on behalf of Joint Debtor Marcia Malcolm nascondiglio@middlebrookssapiro.com |
| Brian C. Nicholas | on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC3 bnicholas@kmllawgroup.com, blkgroup@kmllawgroup.com |

District/off: 0312-2

User: admin

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Date Recd: Dec 07, 2021

Form ID: pdf903

Total Noticed: 1

Celine P. Derkrikorian

on behalf of Creditor Ditech Financial LLC njecfmail@mwc-law.com

Elizabeth K. Holdren

on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC3
eholdren@hillwallack.com, jhanley@hillwallack.com;hwbknj@hillwallack.com;eholdren@ecf.courtdrive.com

Elizabeth K. Holdren

on behalf of Creditor THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC3
eholdren@hillwallack.com, jhanley@hillwallack.com;hwbknj@hillwallack.com;eholdren@ecf.courtdrive.com

Elizabeth K. Holdren

on behalf of Creditor The Bank of New York Mellon F/K/A The Bank of New York as trustee for registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2007-BC3, through Carrington Mortgage Services, LLC, eholdren@hillwallack.com, jhanley@hillwallack.com;hwbknj@hillwallack.com;eholdren@ecf.courtdrive.com

Jessica M. Minneci

on behalf of Debtor Orville Malcolm jminneci@middlebrookssapiro.com

Jessica M. Minneci

on behalf of Joint Debtor Marcia Malcolm jminneci@middlebrookssapiro.com

Marie-Ann Greenberg

magecf@magtrustee.com

Melinda D. Middlebrooks

on behalf of Debtor Orville Malcolm middlebrooks@middlebrookssapiro.com melindamiddlebrooks@gmail.com

Melinda D. Middlebrooks

on behalf of Joint Debtor Marcia Malcolm middlebrooks@middlebrookssapiro.com melindamiddlebrooks@gmail.com

Scott D. Sherman

on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC3 ssherman@minionsherman.com

TOTAL: 14